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10/806,369

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Scott Manchester

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LEYDIG, VOIT & MAYER, LTD.

TWO PRUDENTIAL PLAZA, SUITE 4900

180 NORTH STETSON

CHICAGO, IL 60601-6731

EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/806,369

Applicant(s)

MANCHESTER ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date multiple.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. **Information Disclosure Statements** as received on 5/31/05, 5/20/05, and 3/23/04 are considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al., US Publication Number 2002/0087868 A1, hereinafter King.
5. Referring to claim 17, King teaches a method of configuring a device for operation in a network (page 2 [0011], lines 1-4), comprising:
  - a. detecting the installation of a portable computer-readable media device (page 4 [0064] lines 1-4, step 82);
  - b. based on the step of detecting (step 82), automatically uploading a configuration from the portable computer-readable media device (page 4 [0064] steps 84-87),

- wherein the configuration includes network settings and device configuration information (page 2 [0011] lines 1-4);
- c. applying the configuration automatically to the device (page 5 [0064] lines 1-3, step 88); and
  - d. joining the device to the network (page 1 [0001]).
6. Referring to claim 20, King teaches the method of claim 17, further comprising writing a device configuration file describing the device to the computer-readable media device (page 2 [0011] lines 1-4, page 4 [0039], lines 1-6, page 12 claim 4 configuration information are stored in the portable storage device as a file).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claims 1-5, 7-11, 13-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in views of Cedola, US Publication Number 2004/0221298 A1, hereinafter Cedola.
9. Referring to claim 1, King teaches a method of provisioning a network device with network settings (page 2 [0011], lines 1-4), comprising:
- a. determining a network settings configuration for allowing the network device to join a network (page 2 [0011], lines 1-4), wherein the network settings

configuration includes at least a network name (network identity, page 2 [0011]) and a network encryption key (page 2 [0013];

- b. generating a file including the network settings configuration (page 4 [0059] configuration is pre-stored in the portable storage device, therefore the file was generated prior than the pre-stored) ; and
- c. writing the file to a portable computer-readable media device (page 2 [0011] lines 1-4, page 4 [0039], lines 1-6, page 12 claim 4 configuration information are stored in the portable storage device as a file).

King does not teach the file is an XML file.

Cedola teaches that network configuration information is stored in XML format.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have the file of King to be stored in XML format because King teaches a network configuration file for reconfiguring a computer device, and Cedola suggests a network configuration could be stored in XML format (page 4 [0039], page 1 [0016])

A person with ordinary skill in the art would have been motivated to make the modification to King because having the network configuration file in XML format, would all easier and simpler communication between internal and external systems.

10. Referring to claim 2, King as modified teaches the method of claim 1, wherein the network encryption key is automatically generated (page 2 [0013] lines 1-3, 6-7, digitally signed corresponds to “automatically”).

11. Referring to claim 3, King as modified teaches the method of claim 1, wherein the network settings further include wireless network settings (page 11 [0158], wireless).
12. Referring to claim 4, King as modified teaches the method of claim 1, wherein determining the network settings configuration includes collecting data from a user (page 4 [0057], [0059], pre-stored).
13. Referring to claim 5, King as modified teaches the method of claim 1, wherein determining the network settings configuration includes using an application program interface (API) of an operating system to determine the network settings (Cedola, page 4[0039]).
14. Referring to claim 7, King as modified teaches the method of claim 1, wherein determining the network settings configuration is further for allowing the network device to join a peer-to-peer network (page 3 [0041]).
15. Referring to claim 8, King as modified teaches the method of claim 1, wherein determining the network settings configuration is further for allowing the network device to join a domain-based network (page 3 [0041], Internet).
16. Referring to claim 9, King as modified teaches the method of claim 1, wherein the network settings have a time to live, and are invalid after the time to live has expired (page 6 [0083]).
17. Referring to claim 10, King as modified teaches the method of claim 1, further comprising reading a device configuration describing the network device from the portable computer-readable media device (Page 2 [0011], network identity).

18. Referring to claim 11, King teaches the portable computer-readable media device for provisioning an electronic device with network settings, the portable computer-readable media device having stored thereon data comprising: an XML file containing a network settings configuration for configuring the device to join a network (see rejection to claim 1); and an autorun file for prompting the device to automatically apply the network settings configuration (page 4 [0064]).
19. Referring to claim 13, King as modified teaches the portable computer-readable media device of claim 11, wherein the network settings include at least one of wireless configuration settings, local area network settings, wide area network settings, and broadband modem settings (page 3 [0041]).
20. Referring to claim 14, King as modified teaches the portable computer-readable media device of claim 11, further comprising multiple versions of the network settings configuration (page 3 [0041], configuration associated with each network corresponds to a version of the network settings configuration).
21. Referring to claim 15, King as modified teaches the portable computer-readable media device of claim 11, further comprising an application for configuring the portable computer-readable media device, wherein the application executes on a computer connected to the portable computer-readable media device (page 4 [0059] lines 7-10).
22. Referring to claim 16, King as modified teaches the portable computer-readable media device of claim 11, further comprising a device configuration file describing device-specific information ((page 2 [0011] lines 1-4, page 4 [0039], lines 1-6, page 12 claim 4 configuration information are stored in the portable storage device as a file).

23. Claims 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in views of Cedola, and in further views of Polcha et al., US Publication Number 2003/0217126 A1, hereinafter Polcha.

24. Referring to claims 6 and 12, King as modified teaches an invention as described in claims 1 and 11. King does not teach wherein the portable computer-readable media device is a USB flash drive.

However, Polcha teaches the use of USB drive for network configuration (page 11 [0124], page 12 claim 7)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have portable storage device of King to be the USB flash drive because King teaches where the portable storage device is hand holdable and hand insertable into and remove from the computer system, such as a SIM, or MEMORY STICK (page 4 [0058]), and King further teaches the computer system equipped with USB interfaces (page 11 [0150]), and Polcha suggests that the use of USB drive for network configuration.

A person with ordinary skill in the art would have been motivated to make the modification to King because having the USB drive as the portable storage medium would allow hardware to be simply plugged in and automatically recognized (Plug and Play) while the computer is running as taught by Polcha.

25. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in views of Polcha et al., US Publication Number 2003/0217126 A1, hereinafter Polcha.



26. Referring to claim 19, King as modified teaches an invention as described in claim 17.

King does not teach wherein the portable computer-readable media device is a USB flash drive.

However, Polcha teaches the use of USB drive for network configuration (page 11 [0124], page 12 claim 7)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have portable storage device of King to be the USB flash drive because King teaches where the portable storage device is hand holdable and hand insertable into and remove from the computer system, such as a SIM, or MEMORY STICK (page 4 [0058]), and King further teaches the computer system equipped with USB interfaces (page 11 [0150]), and Polcha suggests that the use of USB drive for network configuration.

A person with ordinary skill in the art would have been motivated to make the modification to King because having the USB drive as the portable storage medium would allow hardware to be simply plugged in and automatically recognized (Plug and Play) while the computer is running as taught by Polcha.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by

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the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
September 5, 2007

